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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF ALEXANDER
FRAWLEY IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL (DKT. 1033)**

Judge: Hon. Yvonne Gonzalez Rogers

Date: November 29, 2023

Time: 9:00 a.m.

DECLARATION OF ALEXANDER FRAWLEY

I, Alexander Frawley, declare as follows.

1. I am an associate with the law firm of Susman Godfrey L.L.P., counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice *pro hac vice* before this Court. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' October 17, 2023 Administrative Motion to Seal, Dkt. 1033 ("the Motion to Seal").

3. The Motion to Seal concerns materials submitted with the Parties' motions *in limine*, which were also filed on October 17, 2023. Plaintiffs and Google agreed that Plaintiffs would file the Motion to Seal, and the Parties worked together to complete that filing. Prior to filing, Plaintiffs overlooked that Google had in its papers redacted certain portions that Plaintiffs previously designated "Confidential." That underlying material was included with the Motion to Seal. Consequently, Plaintiffs should have filed this supporting declaration at the same time as the Motion to Seal, on October 17, 2023. Plaintiffs now respectfully ask the Court to consider this supporting declaration, notwithstanding that it is late. To be clear, this was an oversight by Plaintiffs, not Google.

4. Based on my review, there is good cause to seal the following information in the Motion to Seal.

Document or Portion of Document Sought to be Sealed	Basis for Sealing
Exhibit B of Declaration of Donald Seth Fortenbery ISO Defendant Google LLC's Motion in Limine No. 2 to Exclude Evidence and Argument Regarding Class-wide Damages (Dkt. 1033-18)	The portions sought to be sealed are the Named Plaintiffs' email addresses. That information has the potential to be used maliciously to harm plaintiffs. <i>See, e.g., McDonald v. CP OpCo, LLC</i> , 2019 WL 343470, at *9 (N.D. Cal. Jan. 28, 2019) (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes").
Portions highlighted in blue in Plaintiffs' Objections and Responses to Defendant's First Set of Interrogatories, No. 2.	

Exhibit A of Declaration of Tracy Gao ISO Google LLC's Motion in Limine No. 4 to Exclude Evidence and Argument Regarding the Joining of Authenticated and Unauthenticated Data (Dkt. 1033-24)

Portions highlighted in blue, pp 68–69, 106–107, in the April 15, 2022 Expert Report of Jonathan E. Hochman ("Hochman Report").

Hochman Report Exhibit C (entirety).

Portions highlighted in blue, pp. 17-35, 43, in the June 7, 2022 Rebuttal and Supplemental Expert Report of Jonathan Hochman.

The portions sought to be sealed associate one or more of the Named Plaintiffs or Plaintiffs' experts with various identifiers and information related to their browsing activity. For example, pp. 68-69 of the Hochman Report summarizes data produced by Google and lists out identifiers for Plaintiff Brown alongside information about his browsing activity.

Plaintiffs' narrowly tailored proposals "will not interfere with the public's ability to understand the judicial process." *Ojmar US, LLC v. Sec. People, Inc.*, 2016 WL 6091543, at *2 (N.D. Cal. Oct. 19, 2016). Plaintiffs are not seeking to redact any of Mr. Hochman's opinions. Moreover, public exposure of the information that Plaintiffs seek to seal could subject Plaintiffs to a risk of identity theft. *See, e.g., Adkins v. Facebook, Inc.*, 424 F. Supp. 3d 686, 689 (N.D. Cal. 2019) (recognizing that identifiers enable malicious actors to access consumers' accounts).

Plaintiffs moved to seal this material in connection with their class certification motion, and this Court granted that motion to seal with respect to this material. *See* Dkt. 804 at 32-33; *see also Calhoun v. Google LLC*, No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs' web browsing history).

Plaintiffs also understand that Google is seeking to seal this same material. *See* Dkt. 1033 at 3.

5. Since these requests are narrowly tailored, they should not interfere with the public's ability to understand the judicial process and the matters at issue in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of October, 2023, at New York, New York.

/s/ Alexander Frawley